

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

BALDOMERO LOPEZ,

\*

Petitioner,

\*

CASE NO. 7:05-CV-114 HL  
28 U.S.C. § 2255

VS.

\*

CASE NO. 7:04-CR-10 HL

UNITED STATES OF AMERICA,

\*

Respondent.

\*

**ORDER DENYING COA**

By Order dated June 6, 2006 [Document 93], this court denied Petitioner Lopez's Motion To Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255 wherein he made various claims of ineffective assistance of counsel in violation of his Sixth Amendment rights. After considering evidence proffered at hearing, this court found that Petitioner had failed to carry his burden of showing ineffective assistance of counsel as alleged. Petitioner has filed a Notice of Appeal and an Application for Certificate of Review on the ground that he has made a substantial showing of the denial of his Sixth Amendment right to effective assistance of counsel and is entitled to a COA pursuant to 28 U.S.C. § 2253. After reviewing the claims in the habeas petition, the court continues in its determination that those claims lack merit. *See Miller-El v. Cockrell*, 537 U.S. 322, 327, 123 S.Ct. 1029 (2003). To obtain a COA, the Applicant must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, he must demonstrate that "jurists of reason could disagree with the district court's resolution of his constitutional

claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327. Petitioner has failed to make such showings.

WHEREFORE, Petitioner’s Application for Certificate of Appealability is hereby DENIED.

**SO ORDERED** this 14<sup>th</sup> day of August 2006.

s/ Hugh Lawson  
HUGH LAWSON  
UNITED STATES DISTRICT JUDGE